



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,500	09/19/2003	Robert Michael Trotter	TROTI	8974

6980 7590 06/02/2004

TROUTMAN SANDERS LLP
BANK OF AMERICA PLAZA, SUITE 5200
600 PEACHTREE STREET, NE
ATLANTA, GA 30308-2216

EXAMINER

MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,500

Applicant(s)

TROTTER, ROBERT MICHAEL

Examiner

Kevin McDermott

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by DiCello.

DiCello discloses in figures 1-5 and in the specification a humidity extraction system comprising a trench 28 and conduits 56 and 60 communicating with the trench 28. Figure 1 shows the system disposed in a structure having a wall 10 and concrete floor 40. Each of the conduits 56 and 60 goes into an opening in the concrete floor. These openings are the claimed air inlet and outlet. Conduits 72, 78 communicate with housing 50 and are disposed between the housing 50 and the housing 66. Housing 66 communicates with the air outlet. The humidity control system includes a motor and fan housing 50 which houses a motor and fan assembly 51. The housing is positioned in the building. However, the housing may also be positioned adjacent the ceiling of the basement or in other desired locations.

Regarding claim 1, the trench 28 is the claimed drainage conduit and, as mentioned above, the openings accommodating conduits 56, 60 are the claimed air inlet and outlet. The fan assembly 51 is the claimed air circulator.

Because DiCello discloses all the claimed structural limitations, it is inherently capable of performing the same functions, or of being used in the same fashion.

Regarding claim 2, both of the holes accommodating the conduits 56, 60 communicate with the interior of the structure.

Regarding claim 3, the trench 28 has a remote end and an opposing end. Both of the holes accommodating the conduits 56, 60 are located in the proximity of the first remote end of the trench 28 and in the proximity of the opposing second end. Examiner considers the holes accommodating the conduits 56, 60 as being near the recited ends because they are within the same building and are not separated by a large distance.

Regarding claim 4, the conduits 72, 78 and housing 66 constitute the claimed air duct having first and second ends. One end communicates with the air outlet via housing 50 and conduit 56 or 60. The second end at housing 66 communicates with the exterior of the structure.

Regarding claim 5, the fan is located near the second end of the conduit 78 and the fan draws air from the interior of the enclosure through the trench. Examiner considers the fan to be disposed near the outlet because it is located a few feet away on the floor 40.

Regarding claim 6, the air circulator is a fan.

Art Unit: 3635

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

KM 5/17/04

KM